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vibratory compactor, a rotation speed of one or both of the inner shaft and the outer shaft, and an amount of vibration.

REMARKS

The Examiner has rejected claims 10 and 20-22 under 35 U.S.C. 112, second paragraph for not particularly pointing out and distinctly claiming the subject matter which is regarded as the invention. The Examiner has rejected these claims as follows:

Claim 10 line 3 "a motor" is recited; claim 10 line 7, "said vibratory propel motor" is recited, it is unclear if they are related.

Claim 10 line 4, "a speed sensor ... said outer shaft" is recited; claim 9 recites the same subject matter. Such language appears to be redundant.

Claim 20 line 2, "a pinion gear" and "phase motor" are called for. Claim 16 calls for a "pinion gear" and "phase control device"; it is unclear how they are related. It appears as if claim 16 should of depended from claim 15.

Claim 21 is confusing because line 3, "said through shaft" lacks clear antecedent basis.

Claim 21 line 3, "a motor" is recited; claim 21 indirectly depends from claim 12, claim 12 calls for a "motor it is unclear if they are related lacks clear antecedent basis.

Applicant has amended claim 10 by deleting "vibrator propel" from line 7 thereof thus making the motor in line 3 and in line 7 the same. Line 4 of claim 10 has been deleted in its entirety. Claim 20 line 2 has been amended by deleting "further including a pinion gear is operatively connected to" and adding "wherein said phase control device is" thus clearing the issue of how the pinion gear and phase control device are related. Claim 21 has been amended by deleting line 3 in its entirety thus clearing any issues with clarity. Applicant therefore requests reconsideration and withdrawal of the rejection under 35 U.S.C. 112 of claims 10 and 20-22.

The Examiner has rejected claims 1-3, 11 and 23 under 35 USC §102 (b) as being anticipated by Wall US Patent 4,152,943.

Applicant has amended claims 1-4, 11, 12 15 and 23 to more define that which is regarded as the invention. Specifically, these claims have been amended to specifically

recite that the gearbox is a "planetary gearbox". The Wall reference does not teach or even suggest a planetary gearbox. A planetary gear arrangement includes a sun gear and "at least" one planetary gear that revolves around the sun gear. Applicants therefore contend that the Wall reference does not anticipate all the limitations of independent claims 1, 11 and 23. Applicant therefore respectfully requests reconsideration and withdrawal of the rejection under 35 U.S.C. 102(b) of independent claims 1, 11 and 23. Regarding the rejection of claims 2 and 3, since these claims depend from independent claim 1, claim 1 as amended can not possibly be anticipated by the Wall reference these claims are believed to be allowable for at least the same reasons that apply to claim 1. Therefore Applicant respectfully requests reconsideration and withdrawal of the rejections under 35 U.S.C. 102(b) of claims 2 and 3.

The Examiner has rejected claims 1-3, 11 and 23 under 35 USC §102 (b) as being anticipated by Goehler US Patent 4,454,780.

As set forth above Applicant has amended claims 1-4, 11, 12 15 and 23 to more define that which is regarded as the invention. Again Applicant has reviewed the entire specification of the Goehler reference and it does not teach or even suggest a "planetary gearbox". Applicants therefore contend that the Goehler reference does not anticipate all the limitations of independent claims 1, 11 and 23. Applicant therefore respectfully requests reconsideration and withdrawal of the rejection under 35 U.S.C. 102(b) of independent claims 1, 11 and 23. Regarding the rejection of claims 2 and 3, since these claims depend from independent claim 1, claim 1 as amended can not possibly be anticipated by the Goehler reference these claims are believed to be allowable for at least the same reasons that apply to claim 1. Therefore Applicant respectfully requests reconsideration and withdrawal of the rejections under 35 U.S.C. 102(b) of claims 2 and 3.

The Examiner has rejected claims 12-14 under 35 U.S.C. §103(a) over Wall US Patent 4,152,943 or Goehler US Patent 4,454,780 in view of Swanson US Pub 2003/0021629 A1 or Staffenhagen US Pub 2002/0172556 A1.

Applicant has amended claims 11, 12 to more define that which is regarded as the invention. Specifically, these claims have been amended to specifically recite that the gearbox is a "planetary gearbox". Neither the Wall nor the Goehler reference teach or even suggest a planetary gearbox. Applicants therefore contend that none of the references cited

by the Examiner teach all of the limitations of claims 12-14, which is one of the three requirements as set forth in MPEP 2143 for providing a prima facie case of obviousness. Applicants therefore respectfully request reconsideration and withdrawal of the rejections under 35 U.S.C. § 103(a) of claims 12-14.

It is respectfully urged that the subject application is in condition for allowance and allowance of the application at issue is respectfully requested.

Respectfully submitted,



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